

REMARKS/ARGUMENTS

Claim Objections

In response to the Examiner's informality objection, Claim 15 has been amended to depend from Claim 2 instead of Claim 1.

35 USC § 103(a)

Reconsideration and allowance are requested of Claims 1-14, 15, 18, 19, and 21-23, which the Examiner has rejected under 35 USC § 103(a) as unpatentable over Katsouros in view of Chang. A *prima facie* case of obviousness requires (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, (2) there must be a reasonable expectation of success, *and* (3) the prior art references must teach or suggest all the claim limitations. In re Sang-Su Lee, 277 F.3rd 1338, 61 USPQ 2d 1430 (Fed. Cir. 2002) (and cases cited therein). Applicant respectfully submits that a *prima facie* case has not been established.

Claim 1

Applicant submits that, at most, the locking mechanism of Katsouros is located in the middle of the lever. This is patently distinguishable from Applicant's Claim 1 which claims "a locking mechanism operatively combined with the handle end of the lever" (emphasis added). The lock placement in the "handle end" of Applicant's claimed invention provides a significant advantage over Katsouros because it is more difficult for a thief to insert a pry bar under the lever and break the lock since the length

of the lever (from the pivot end to the lock in the handle end) is secured to the device with the lock.

Claim 7

Applicant respectfully requests reconsideration and allowance of Claim 7 because its unique claimed geometry is neither taught or suggested by the cited prior art. The Examiner rejects Claim 7 as being obvious even though the Examiner states that "[n]either Katsouros nor Chang expressly state that the first and second members extend from the collar in a direction opposite to the first direction." Applicant respectfully submits that the unique geometry of the device claimed in Applicant's Claim 7 is not an obvious rearrangement of parts to someone skilled in the art because the configuration of Applicant's claimed invention provides a structural advantage wherein the lever can extend along the side of the collar while it is in the closed position. This makes it more difficult for a thief to open the locked lever and steal the bicycle seat because of the difficulty associated with inserting a pry bar under the lever as it extends along the collar from one side of the collar in a first direction, to the other side of the collar in the opposite direction.

Claim 13

Applicant would like to thank the Examiner for the time spent discussing Claim 13 on the telephone on July 26, 2004. In that telephone conversation, it was discussed that in Claim 1, the Examiner cited Katsouros' elements 100 and 200 for Applicant's "first member," and Katsouros' element 400 for Applicant's "second member." It was discussed that neither Katsouros' first member (elements 100 and 200), nor Katsouros'

second member (element 400) teaches or suggests both a "bore" and an "opening in one of the members" as claimed in Applicant's Claim 13.

Applicant further submits that Katsouros does not teach or suggest both a "bore" and an "opening" in any element of Katsouros. Therefore, even if the Examiner had cited the forks of the bicycle in Katsouros (element 500) for Applicant's first and second member, Katsouros would still not teach or suggest both a "bore" and an "opening" in one single "member."

In addition to the above arguments, Applicant's Claim 13 claims "a thumb screw" wherein "a portion of the said thumb screw extends from the opening in the member" (emphasis added). The Examiner cites Katsouros element 30 for the Applicant's thumb screw and the "opening in element 500" for Applicant's "opening." Applicant respectfully submits that "a portion" of Katsouros' element 30 does not "extend from" the opening 500 in Katsouros because there is no "portion" of Katsouros' element 30 that is inside opening 500. Applicant's claimed thumb screw is advantageous over the cited prior art because its embedded position allows the thumb screw to be manually adjusted when the lever is in the open position, yet unable to be adjusted or reached with a wrench when the lever is in the closed position because of the pressure between the thumb screw and bifurcated end that exists when the lever is closed. In contrast, the cited prior art references disclose nuts that are exposed on the end of a threaded member so that they can easily be turned with a wrench, even when the device is in the closed and locked position.

For the reasons stated above, Applicant submits that the cited prior art references do not teach or suggest all the claim limitations of Applicant's Claim 13.


Conclusion

Applicant respectfully submits that the claims not discussed above are dependant on Claim 1, and are therefore patentable for the reasons asserted above.

It is respectfully submitted that the arguments contained in this Request for Reconsideration places Applicant's application in condition for allowance, and therefore further and favorable action on this application is requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 28, 2004.


Ryan N. Carter, Registered Representative